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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,202	07/29/2003	Michael J. Peterson	N9595	5667
7590	03/10/2004			EXAMINER THERKORN, ERNEST G
WADDEY & PATTERSON A Professional Corporation 414 Union Street, Suite 2020 Bank of America Plaza Nashville, TN 37219			ART UNIT 1723	PAPER NUMBER
DATE MAILED: 03/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/629,202	PETERSON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ernest G. Therkorn	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 17 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19. At best, the claims differ from Kenley (U.S. Patent No. 5,591,344) in reciting use of loop piping. Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 discloses that use of one continuous loop, which may contain a storage tank, reduces bacterial colonization and leaching of iron, copper, and other metals. It would have been obvious to use loop piping in Kenley (U.S. Patent No. 5,591,344) because Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 discloses that use of one continuous loop, which may contain a storage tank, reduces bacterial colonization and leaching of iron, copper, and other metals.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 as applied to claims 21-26 above, and further in view of Hsu (U.S. Patent No. 5,865,991). At best, the claim differs from Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 in reciting use of a pump. Hsu (U.S. Patent No. 5,865,991) (column 15, lines 29-30) discloses that a pump pressurizes

water prior to entering a filter. It would have been obvious to use a pump in Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 because Hsu (U.S. Patent No. 5,865,991) (column 15, lines 29-30) discloses that a pump pressurizes water prior to entering a filter.

Claims 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 as applied to claims 21-26 above, and further in view of Shades (U.S. Patent No. 5,958,252). At best, the claims differ from Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 in reciting a series of backwashable carbon filters. Shades (U.S. Patent No. 5,958,252) (column 4, lines 16-31) discloses that a series of backwashable carbon filters allows incoming fluids to sequentially travel through the filters. It would have been obvious to use a series of backwashable carbon filters in Kenley (U.S. Patent No. 5,591,344) in view of Association for the Advancement of Medical Instrumentation (AAMI) for 1993, 1993, page 19 because Shades (U.S. Patent No. 5,958,252) (column 4, lines 16-31) discloses that a series of backwashable carbon filters allows incoming fluids to sequentially travel through the filters.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Ernest G. Therkorn*  
**Ernest G. Therkorn**  
**Primary Examiner**  
**Art Unit 1723**

EGT  
March 9, 2004